

EXHIBIT 1

PRIVATE PROCESS

Case Number: 2018-CI-18096



2018CT18096 S00002

PATRICIA BASKETTE ET AL

VS.

STATE BAR OF TEXAS INSURANCE TRUST ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 37th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

THE STATE OF TEXAS

Directed To: THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 19th day of September, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 2ND DAY OF OCTOBER A.D., 2018.

 ROBERT A ALLEN
 ATTORNEY FOR PLAINTIFF
 6243 IH-10 WEST 7TH FL
 SAN ANTONIO, TX 78201

 Donna Kay McKinney
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Daniela Ramos, Deputy

 PATRICIA BASKETTE ET AL
 VS
 STATE BAR OF TEXAS INSURANCE TRUST ET AL

Officer's Return

 Case Number: 2018-CI-18096
 Court: 37th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock _____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Rec'd Date 10-2-18 Rec'd Time 2:45 pm ^{Declarant}

ORIGINAL (DK002)

Service To _____

Date 10-3-18 Time 11:30 am

Gean O. Smith PSC-4683

Sig. GS

FILED
9/19/2018 4:23 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Brenda Carrillo

2citspps/sac3 w/jd

2018CI18096

CAUSE NO. _____

PATRICIA BASKETTE INDIVIDUALLY	§	IN THE DISTRICT COURT
AND AS REPRESENTATIVE OF THE	§	
ESTATE OF WILLIAM LEONARD	§	
BASKETTE, JR., DECEASED	§	
	§	
VS.	§	37th JUDICIAL DISTRICT
	§	
STATE BAR OF TEXAS INSURANCE TRUST	§	
AND THE PRUDENTIAL INSURANCE	§	
COMPANY OF AMERICA	§	BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Patricia Baskette, Individually and as Representative of the Estate of William Leonard Baskette, Jr., deceased, hereafter referred to as Plaintiff, complaining State Bar of Texas Insurance Trust and The Prudential Insurance Company of America, hereafter referred to as Defendants, and makes and files this her Original Petition, and for cause of action would respectfully show the Court the following:

I

1.1 Plaintiff intends that discovery be conducted under Discovery Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

II

2.1 Plaintiff is an individual who resides in San Antonio, Bexar County, Texas. Plaintiff is the surviving wife of William Leonard Baskette, Jr. and the legal representative of the Estate of William Leonard Baskette, Jr.

2.2 The last three digits of the Plaintiff's driver license number are 250. The last three digits of the Plaintiff's social security number are 572.

2.3 Defendant, State Bar of Texas Insurance Trust, is a domestic corporation organized and existing under the laws of the State of Texas, with its principal place of business being in Austin, Travis County, Texas. Said Defendant may be served by service of citation and a copy of this petition on said Defendant by serving the office manager of said Defendant at its principal place of business which is located at 1414 Colorado Street Austin, Texas 78701. Issuance and service of citation along with this petition is requested on said Defendant at this time.

2.4 Defendant, The Prudential Insurance Company of America, is a foreign corporation organized and existing under the laws of the State of New Jersey, and may be served by serving its registered agent for service of process, with such agent being CT Corporation System, 1999 Bryan Street, Suite 300, Dallas, Texas 75201-3136. Issuance and service of this petition and citation on The Prudential Insurance Company of America's registered agent is requested at this time.

III

3.1 The subject matter in controversy and the damages sought by Plaintiff are within the jurisdictional limits of the Court. Plaintiff seeks monetary damages in excess of \$1,000,000.00.

3.2 This Court has jurisdiction over Defendant, State Bar of Texas Insurance Trust, because said Defendant is authorized to do business in this state, does business in this state and is a resident of this state. Further the claims herein arise out of acts and/or omissions performed by the Defendant in this state.

3.3 This Court has jurisdiction over Defendant, The Prudential Insurance Company of America, because the Defendant is authorized to do business in this state, does business in this state, and is a resident of this state. Further, the claims herein arise out of acts and/or omissions performed by the Defendant in this state.

3.4 Venue is proper in Bexar County, Texas, because all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in Bexar County, Texas and because at the time Plaintiff's causes of action accrued Plaintiff was a resident of Bexar County, Texas. Moreover, since venue is proper in Bexar County, Texas as against one of the Defendants, it is proper as to all Defendants.

IV

4.1 The insurance policy issued by Defendant insurer, as indicated in Exhibit "A", attached hereto, was at all times relevant and material to this action in full force and effect. All conditions precedent to the issuance of said policy and of Plaintiff's claims for relief under said policy have been performed or have occurred.

4.2 At and before the death of William Leonard Baskette, Jr., all amounts due from the insured for the purchase of the policy had been paid and accepted by the Defendant insurer. The funds used to pay for the premiums were the community property of the Plaintiff and her husband, William Leonard Baskette, Jr.

V

5.1 Defendants issued a life insurance policy in December 2008 on the life of the Plaintiff's husband William Leonard Baskette, Jr. The certificate of insurance issued by Defendant is attached as Exhibit "A".

5.2 William Leonard Baskette, Jr. passed away on September 19, 2016. After Mr. Baskette died, Plaintiff, Patricia Baskette, submitted her claim to Defendants for payment of the insurance proceeds. The claim was, however, denied.

5.3 On the date of Mr. Baskette's death the premiums had been paid and to the understanding of the Plaintiff were current. The premiums had been paid for by community property funds.

The policy was issued in the State of Texas, and all conditions required for the contract to be in full force and effect on the date of Mr. Baskette's death had been met.

VI

6.1 Plaintiff will show that at all times relevant herein Mr. Baskette had a legal and enforceable insurance contract and that the Defendant insurers wrongfully denied the claim made by Plaintiff under the policy thereby entitling Plaintiff to the damages sued for herein.

VII

7.1 Plaintiff will show that the acts of the Defendants have caused her damages represented by the policy limits in the amount of \$100,000.00, attorney's fees, statutory penalties permitted by law; and prejudgment interest at the maximum legal rate.

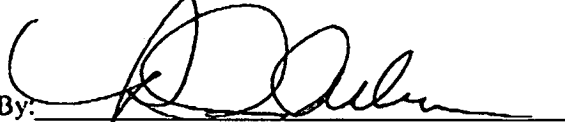
VIII

8.1 Plaintiff demands a trial by jury.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that she have judgment against Defendants as requested herein and for such other and further relief to which she may be entitled whether at law or in equity.

Respectfully submitted,

ALLEN, STEIN & DURBIN, P.C.
6243 IH-10 West, 7th Floor
P. O. Box 101507
San Antonio, Texas 78201
Telephone: 210.734.7488
Facsimile: 210.738.8036

By: 

ROBERT A. ALLEN
State Bar No.: 01051000
rallen@asdh.com

JOHN B. GRISSOM

State Bar No.: 24092457
jgrissom@asdh.com

ATTORNEYS FOR PLAINTIFF PATRICIA
BASKETTE, INDIVIDUALLY AND IN HER
REPRESENTATIVE CAPACITIES

#1637999/5795 057/RAA/JBG/tst

STATE BAR OF TEXAS INSURANCE TRUST



BOARD OF TRUSTEES

Kimberly L. Kiplin
Chairman
Austin

Veronica M. Carmona
Austin

Guy N. Harrison
Longview

Greg Longino
Lufkin

Christopher W. Martin
Houston

A. Martin Wickliff, Jr.
Houston

Michael Jay Willson
Midland

ADMINISTRATOR

Brooks E. Davis
Austin

December 17, 2008

William Baskette
110 East Nueva St.
San Antonio, TX 78204-1017

Certificate Number: 200003357

Dear Mr. Baskette:

We are pleased to notify you that your request for the Member Life coverage has been approved effective December 12, 2008.

A Certificate of Insurance is enclosed for your convenience.

A premium statement will arrive around the middle of January. Before we can set up the Electronic Funds Transfer, please submit a blank voided check with a copy of this letter.

If you should have any questions, please feel free to contact our office.

Sincerely,

Cindy Saldana
Individual Insurance Specialist

Enclosure

STATE BAR OF TEXAS INSURANCE TRUST



August 16, 2010

William Baskette
110 East Nueva Street
San Antonio, TX 78204-1017

Regarding	Beneficiary Change
Policy / Control Number:	47080
Certificate Number:	200003357

Dear Mr. Baskette

Your beneficiary change request has been completed.
Revised Certificates of Insurance are enclosed for your convenience.

If you have any questions, please feel free to contact this office.

Sincerely,

Angie R. Aleman
Application Assistant

Enclosure

CONTRACT HOLDER: STATE BAR OF TEXAS INSURANCE TRUST
GROUP CONTRACT NUMBER: G-47080
CERTIFICATE NUMBER: 200003357
PRIMARY INSURED: William Baskette

EFFECTIVE DATE: August 11, 2010
(Subject to the Delay of Effective Date Section in your Booklet)

Participant Term Life Insurance

Primary Insured Amount: One Hundred Thousand Dollars-

Dependent Term Life Insurance

Spouse Amount: None-
Each Child Amount: None-

Beneficiary for Primary Insured: Primary, Patricia Baskette, and Spouse 100%
If Primary is not alive then, Secondary, Matthew Baskette,
Son and Aisha Rodriguez, Step-daughter @ 50 % each-

This certifies that the benefits stated above and described in your Group Insurance Booklet/Certificate are applicable to you. All benefits are subject in every way to the entire Group Contract which includes the Group Insurance Booklet/Certificate. It alone forms the agreement under which payment of insurance is made.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

EXHIBIT A

Baskette000003



State Bar of Texas Insurance Trust

Please print all answers using black ink.

Member Term Life Request for Coverage Form

Return this completed form in the enclosed envelope. Do not include payment now. You will be billed after your new coverage is effective. If you currently have coverage, and do not want to make any changes at this time, you do not need to complete this Form.

Questions? Please call 1-800-460-7248.

Group Policy No 47080

Member Information

William Baskette
110 East Nueva St
San Antonio, TX 78204-1017

Gender

☒ Male☐ Female

Date of Birth (mm/dd/yyyy)

07/17/1953

Social Security Number

214-66-5705

Height

5' 10"

Weight

275 lbs.

Daytime Telephone Number

210-936-1200

☒ YES, I would like to receive important information via email about training opportunities, products, offerings, and program-sponsored SBOIT events.

E-mail Address

wbaskette@yahoo.com

Evening Telephone Number

210-936-7294

☒ I am employed by a Member's law practice

Bar Card Number

01071400

Date of Full-time employment (mm/dd/yyyy)

11/02/1982

☒ State Bar of Texas MemberAre You: ☒ A New Applicant ☐ Increasing Present Coverage* Current Coverage Amount: \$

*If you are increasing coverage in force, your present amount plus additional amount equals the amount you indicate below. If you do not qualify for the increased amount, your present amount remains in force. No member can be covered for more than \$1,000,000 of SBOIT Life Insurance.

Optional Term Life Insurance Plan Coverage Amounts (please check one):☐ \$1,000,000☐ \$800,000☐ \$600,000☐ \$400,000☐ \$200,000☐ \$900,000☐ \$700,000☐ \$500,000☐ \$300,000☒ \$100,000**Beneficiary Information—Please specify your beneficiary (full name, Example: Jane Lee Doe)**

Full Name of Beneficiary

PATRICIA BASKETTE

Relationship

SPOUSE

Share

100 %

Address

2503 LAKE HILLS, SAN ANTONIO, TX 78251

Total (Must equal 100%)

100%

(If more space is needed, please attach a separate sheet.)

Payment Basis—I request the following payment basis (please check one):☐ Bill Me Monthly☐ Bill Me Quarterly☒ Monthly Electronic Funds Transfer (EFT)**

**If electing EFT, you must complete the Electronic Fund Transfer Authorization section below.

Monthly Electronic Funds Transfer Authorization—If you wish to use your checking account, enclose a blank voided check for that account. If you wish to use your savings account, enclose a copy of a voided deposit slip. By my signature below I authorize the State Bar of Texas Insurance Trust in accordance with this Agreement (included on page 3) to charge my bank account for the amount of my insurance contribution payment until such time as I provide written notice of cancellation, or insurance is terminated.

WILLIAM BASKETTE

Account Owner's Name

11400093

Bank's Transit Routing Number

FROST BANK

Bank Name

015877679

Account Number

☒ Checking ☐ Savings

Type of Account

Signature of Account Owner

EXHIBIT A

Baskette000004

CASE NO. 2018-CI-18096

PATRICIA BASKETTE INDIVIDUALLY	§	IN THE DISTRICT COURT
AND AS REPRESENTATIVE OF THE	§	
ESTATE OF WILLIAM LEONARD	§	
BASKETTE, JR., DECEASED,	§	
	§	
Plaintiff	§	
	§	
v.	§	37TH JUDICIAL DISTRICT
	§	
STATE BAR OF TEXAS INSURANCE	§	
TRUST AND THE PRUDENTIAL	§	
INSURANCE COMPANY OF AMERICA,	§	BEXAR COUNTY, TEXAS
Defendants.		

DEFENDANT PRUDENTIAL’S ANSWER AND DEFENSES

Defendant, The Prudential Insurance Company of America (“Prudential” or “Defendant”), by and through its attorneys, hereby files its Answer and Defenses to Plaintiff’s Petition, and respectfully shows as follows:

I. GENERAL DENIAL

Subject to such stipulations as may hereafter be made, Defendant asserts a general denial, in accordance with Rule 92 of the Texas Rules of Civil Procedure, and requests that Plaintiff prove her charges and allegations by a preponderance of the evidence or clear and convincing evidence, where appropriate, as required by the Constitution and laws of the State of Texas.

II. DEFENSES

By pleading the following Defenses, Defendant does not concede that each of the matters covered by the numbered defenses is to be proven by Defendant, and Defendant reserves its position that Plaintiff retain the burden of proof on all matters necessary to state the claims asserted in Plaintiff’s Petition and to establish her alleged damages. Without prejudice to its denials and other statements of its pleading, Defendant alleges the following defenses:

1. Plaintiff's claim, in whole or in part, fails to state a claim upon which relief can be granted as a matter of fact and law.

2. Plaintiff seeks benefits that are not provided under the policy or benefits for coverage that no longer existed at the time of death of the former insured.

3. Plaintiff's requests for damages are barred because Defendant has fully performed, satisfied, and/or discharged all of its duties and/or obligations under the policy.

4. Plaintiff's claims are barred by the terms, conditions, and obligations of the policy.

5. Plaintiff seeks benefits that are not provided under the policy's terms or law.

6. Plaintiff has failed to submit proof of loss, as required by the policy's terms.

7. Plaintiff's request for damages is barred because Defendant did not breach any duty owed to Plaintiff.

8. Plaintiff's claims, to the extent that they are based upon representations made outside the applicable written agreements, are barred by the parol evidence rule.

9. Damages sustained by Plaintiff, if any, were not proximately caused by Defendant.

10. Some or all of the claims against Defendant are barred because Plaintiff's damages, if any, were caused, in whole or in part, by the superseding or intervening conduct of Plaintiff, independent third parties, or events that were extraordinary under the circumstances, not foreseeable in the normal course of events, or independent of or far removed from Defendant's conduct or control.

11. Plaintiff's damages, if any, were caused by the sole or comparative fault of the Plaintiff or other third parties, including, but not limited to, third parties not under Defendant's direction or control. Such fault bars or, in the alternative, reduces Plaintiff's recovery.

12. Plaintiff's claims are barred because she has failed to mitigate her damages, if any such damages exist.

13. Plaintiff is barred and/or estopped from obtaining any relief by her own conduct, acts, omissions, and unclean hands.

14. Plaintiff's damages, if any, would amount to an unjust enrichment.

15. Plaintiff's claims are barred, in whole or in part, because Plaintiff has not suffered the injury or damages alleged, or any other injury or damages.

16. Plaintiff is not entitled to an award of attorneys' fees under any of her theories of recovery.

17. Defendant reserves its right to amend its Answer and Defenses as may become available or apparent at a future date.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant, The Prudential Insurance Company of America, prays (1) that Plaintiff take nothing by this suit, (2) that Prudential recover all costs incurred by it in the defense of Plaintiff's allegations and claims for relief, and (3) for such other relief, legal or equitable, to which it is justly entitled.

DATED: October 29, 2018

Respectfully submitted,

By: /s/ Esteban Shardonofsky

Esteban Shardonofsky
Texas Bar No. 24051323
700 Milam Street, Suite 1400
Houston, Texas 77002-2812
Telephone: (713) 225-2300
Facsimile: (713) 225-2340
sshardonofsky@seyfarth.com

Attorneys for Defendant,
THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing PRUDENTIAL'S ANSWER AND DEFENSES to the following via certified mail return receipt requested, on this 29th day of October, 2018:

Robert A. Allen
Allen, Stein & Durbin, P.C.
6243 IH-10 West, 7th Floor
P.O. Box 101507
San Antonio, Texas 78201
rallen@asdh.com
Attorney for Plaintiff

Lamont Jefferson
Jefferson Cano
112 E. Pecan St., Suite 1650
San Antonio, TX 78205
ljefferson@jeffersoncano.com
Attorney for Co-Defendant State Bar of Texas Insurance Trust

/s/ Esteban Shardonofsky
Esteban Shardonofsky